



EMPLOYMENT TRIBUNALS

Claimant: Mr J Penalva

Respondent: Tes Global Limited

Heard at: London Central Employment Tribunal by CVP, in public

On: 19 May 2023

Before: Employment Judge Wisby (Sitting Alone)

Representation

Claimant: In person

Respondents: Mr R Ryan (Counsel)

JUDGMENT

The claim is struck out under rule 37(1)(a) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, on the basis it has no reasonable prospects of success.

REASONS

1. Preliminary matters:
 - 1.1. By consent the Respondent's name was amended to 'Tes Global Limited'.
 - 1.2. Two Employment Tribunal Judgments concerning the Claimant were emailed to the Tribunal by the Respondent shortly before the hearing, these were not read by me during the Hearing.

2. In the Claimant's ET1 the Claimant ticked the boxes indicating he was bringing complaints of religion or belief discrimination and that he was making another type of claim which the Employment Tribunal can deal with. – this is stated to be *"I have reported malpractice and corruption. For this reason, I have been*

victimised and blacklisted in TES platform - the Respondent has blacklisted me and excluded me from a number of jobs applications.”

3. The parties explained to me that the Respondent advertises vacancies on its website for teaching and education roles with schools, education institutions and other third-party organisations around the world. Individuals can apply via its platform for roles with those third-party organisations and those third-party organisations then make their own recruitment decisions.
4. The Claimant explained to me today that he has advocated for meritocracy, (which he stated is: a philosophical belief which is a foundation for democratic societies and public institutions in the Western world) and good practices in his professional life in the field of education and in his applications for a position in different schools, internationally via the TES platform.
5. The Claimant lives in Turkey. He explained to me today that he reported to the Respondent malpractice and corruption by some schools the Respondent is advertising, and by the Respondent, who he says is supporting such forms of malpractice and corruption. He considers he made a Public Interest Disclosure.
6. The Claimant's position is that as a result of the matters he raised he was victimised and the Respondent backlisted him from its platform.
7. The Respondent states in its ET3 that it deactivated the Claimant's account in October 2021 after receiving offensive, abusive and inappropriate correspondence from the Claimant.
8. The Claimant does not allege he was an employee or worker of the Respondent, nor a candidate for a role with the Respondent (as opposed to a candidate for roles for other third party organisations that have advertised their roles on the Respondent's web platform). Respondent's counsel submitted therefore that the Claimant does not have standing to pursue a claim against the Respondent under Part 5 (Work) of the Equality Act 2010.
9. I explained to the Claimant today that there are different types of courts and tribunals in the UK and the Employment Tribunal does not have the jurisdiction to hear all possible legal complaints, only ones that relevant statutes and regulations state fall within the Employment Tribunal's jurisdiction. For example, section 114(1)(a) of the Equality Act, referred to by Respondent's counsel in today's hearing, sets out the County Court's jurisdiction in respect of claims under Part 3 of the Equality Act 2010. Based on: (i) the contents of the ET1; (ii) the further explanation provided by the Claimant today; and (ii) the Respondent's Counsel's submissions today, I have concluded that the Claimant's claim has no reasonable prospects of success as the Tribunal does not have the relevant jurisdiction to consider the complaints he is raising. On this basis, the Tribunal did not go on to consider matters of time limits, territorial jurisdiction or whether the claim is scandalous or vexatious.

Employment Judge Wisby

Date 19.05.23

JUDGMENT & REASONS SENT TO THE PARTIES ON

19/05/2023

FOR THE TRIBUNAL OFFICE